

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	BOX Appeal Brief-Patents
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Bjrn CRONA)	Group Art Unit: 2628
)	
Application No.: 10/587,803)	Examiner: Phi Hoang
)	
Filed: July 31, 2006)	
)	
For: METHOD AND DEVICE FOR)	
CREATING PATTERNS FOR)	
BEAD-INLAIN PLATES)	

Commissioner for Patents
Alexandria, VA 22313-1450

REPLY TO EXAMINER'S ANSWER

Sir:

Further to the Examiner's Answer filed on September 29, 2010 and in connection with the above-identified application submitted herewith is the response to the Examiner's Answer.

Initially, it is noted that many of the positions set forth in the Examiner's Answer are the same or similar to positions set forth in the Final Official Action dated February 3, 2010. Accordingly, for such positions, reference is made here generally to Appellant's Appeal Brief. However for some positions, new information has been presented in the Examiner's Answer. To address such new information or arguments some additional responses and clarification in response to comments made in the Examiner's Answer are presented below.

With respect to item (10) Response to Argument section of the Examiner's Answer, the Examiner's Answer generally refers to various figures in Korytar's Artopik software. After having reviewed the Figures provided in the Examiner's Answer and the Artopik software there are differences between the claims and the information presented in the Examiner's Answer as will be described below.

The Artopik program allows for a cross-stitch embroidery pattern to be created, imported or exported. A color palette can also be defined and used. The pattern overlays a number of same sized squares. Each square can be given a color. It appears that each square can only be accessed individually and that no grouping or selected area can be created of the pattern other than a single square. In other words Korytar's Artopik software shows a single picture which is a single pattern and is therefore not capable of "selecting an area of the shown picture for which a pattern is to be created" as can be found, among other features, in Appellant's claim 1 combination.

Regarding dependent claim 2, upon further review of the Figures provided in the Examiner's Answer and the Artopik software it is respectfully submitted that Figure 6

does not teach or suggest “color saturation” as can be found, among other features, in Appellant’s claim 2 combination.

While described in more detail within the Appeal Brief, it needs to be stressed that the arguments provided by the Examiner should be irrelevant because there would have been no reason for one of ordinary skill in the art to have combined Morito and Korytar to have reached Appellant’s claimed combinations because Morito and Korytar are non-analogous art. It is respectfully submitted that, the Korytar Artopik software is for a technical field that is different from that of the claimed invention. In creating bead-inlaid plates only a low number of color hues are used and in order to create fields of a color hue not existing among the low number of color hues, two or more hues must be used, which is quite different from the field of cross-stitch embroidery.

Regarding the provision of copies of the archived web pages by the Examiner, the undersigned was initially only looking in the Public PAIR area but based on the Examiner’s Answer that a copy of the archived web pages are accessible in PAIR, has checked and found the archived web pages under the Private PAIR area. Accordingly, the arguments provided in the Appeal Brief regarding the provision of copies of the Artopik documentation to the record are moot. However it is respectfully submitted that the precise scope and content of that software prior to Appellant’s date of invention remains uncertain.

Regarding the other items described in the Examiner’s Answer, it is respectfully submitted that the information provided in the Appeal Brief sufficiently describes how Appellant’s claims are not obvious from the references used in the various grounds of

rejection and are not indefinite.

For at least the foregoing reasons and the reasons described in the Appeal Brief, it is respectfully submitted that the claims are patentable over the documents cited. Accordingly, it is respectfully requested that the rejection in the Final Official Action of February 3, 2010 be REVERSED.

Respectfully submitted,
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